

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2006-97-W/S - ORDER NO. 2006-546  
SEPTEMBER 22, 2006

IN RE: Application of Tega Cay Water Service, Inc.     )  
for Adjustment of Rates and Charges and            )  
Modifications to Certain Terms and                 )  
Conditions for the Provision of Water and           )  
Sewer Service.    )

ORDER EXTENDING  
ISSUANCE DATE OF  
MERITS ORDER

This matter comes before the Public Service Commission of South Carolina (the Commission) for consideration of an extra five (5) days to issue the Order in this water and sewer rate case docket involving Tega Cay Water Service, Inc. (Tega Cay or the Company). S.C. Code Ann. Section 58-5-240(C) (Supp. 2005) requires this Commission to rule and issue its order approving or disapproving any rate changes in full or in part within six months after a rate change request is filed. S.C. Code Ann. Section 58-5-240(D) (Supp. 2005), however, states that should the Commission determine that it cannot, due to circumstances reasonably beyond its control, issue such order within the six-month period prescribed by this section, the Commission may, by order, extend the six-month period for an additional five days. In the present case, we believe that such circumstances exist, and we hereby order an extension of the issuance date of the merits order in this case from October 3, 2006, to October 9, 2006.<sup>1</sup>

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<sup>1</sup> Although the date would ordinarily only be extended to October 8, 2006, under the statute's five-day provision, the fifth day falls on a Sunday. Under 26 S.C. Code Ann. Regs. 103-842, the last day of a required time period for a "pleading" shall be included for counting, unless that day is a Saturday, Sunday, or legal holiday. We hold that the same calculation is applicable to the calculation of time for the five day

The “circumstances reasonably beyond our control” are clear in this matter. This case was the subject of a settlement agreement, and two hearings were required to hear evidence in the matter in addition to the evening public hearing held earlier in the case. Further, this case was one of three cases filed by subsidiaries of Utilities, Inc. in close proximity. The additional days allow for proper preparation and a full review of all aspects of the merits order in this complex water and sewer case. Accordingly, we make the following:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The matter under consideration is an additional five (5) days to issue the merits order in this Docket as allowed by S.C. Code Ann. Section 58-5-240(D) (Supp. 2005).
2. The actual extension would be from October 3, 2006, to October 9, 2006, due to the fact that the fifth day of the extension falls on a Sunday.
3. There are clearly “circumstances beyond our control” existing in this instance that warrant the extension for issuance of the merits order in this Docket.
4. Two hearings were necessary to hear the evidence in this case, and this was one of three cases filed by subsidiaries of Utilities, Inc. in close proximity. Under the present schedule, there is insufficient time for preparation of the Order and proper review of the Order by Staff and Commissioners.
5. The time for issuance of the merits order in this case should be extended to October 9, 2006.

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extension for order issuance under S.C. Code Ann. Section 58-5-240 (D) (Supp. 2004) as well. Accordingly, the date for order issuance in this case shall be extended to Monday, October 9, 2006, instead of Sunday, October 8, 2006.

**ORDER**

It is therefore ordered that the time for issuance of the merits order in this Docket shall be extended to October 9, 2006. This Order shall remain in full force and effect until further Order of the Commission.

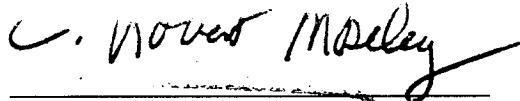
BY ORDER OF THE COMMISSION:



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G. O'Neal Hamilton, Chairman

ATTEST:



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Robert C. Moseley, Vice Chairman

(SEAL)